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Human rights questions: implementation of human rights instruments

Programme budget for the biennium 2002-2003

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Programme budget implications of draft resolution A/C.3/57/L.37

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

I. Requests contained in the draft decision

1. In operative paragraph 4 of draft resolution A/C.3/57/L.37, the General Assembly would request the Secretary-General to make all necessary provisions for the timely establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families referred to in article 72 of the Convention, as soon as the Convention enters into force, and would call upon States parties to submit in due time their first periodic report.

II. Activities required under the Convention when it enters into force

A. Meetings of the States parties to the Convention

2. In accordance with article 87 of the Convention:

(a) The Convention shall enter into force on the first day of the month following a period of three months after the date of the deposit of the twentieth instrument of ratification or accession. It is likely that the twentieth instrument of ratification or accession may be deposited in December 2002 or at the beginning of 2003;

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(b) For each State ratifying or acceding to the Convention after its entry into force, the Convention shall enter into force on the first day of the month following a period of three months after the date of the deposit of its own instrument of ratification or accession.

3. In accordance with article 72 of the Convention, a Committee on the Protection of the Rights of Migrant Workers and Members of Their Families (hereafter referred to as the Committee) would be established. It would consist of 14 experts, elected at the meetings of States parties, who would serve in their personal capacity. The election of the 14 members of the Committee would take place in two stages:

(a) The first meeting of the States parties, at which 10 members of the Committee would be elected, would be convened for one day by the Secretary-General at United Nations Headquarters no later than six months after the date of the entry into force of the Convention;

(b) The second meeting of States parties, at which the four additional members of the Committee would be elected, would be convened by the Secretary-General at United Nations Headquarters for one day no later than six months after the entry into force of the Convention for the forty-first State party. Subsequently, meetings of States parties would be convened by the Secretary-General at biennial intervals.

B. Sessions of the Committee

4. Under article 75 of the Convention, the Committee would adopt its own rules of procedure, elect its officers for a term of two years and meet annually. Finally, article 75 also stipulates that the meetings would be held normally at United Nations Headquarters. In this regard, the Secretary-General believes that the principles embodied in General Assembly resolution 40/243 of 18 December 1985 should be observed and that, consequently, the Committee should meet at the headquarters of its substantive secretariat, that is, Geneva.

5. At its first regular session, the Committee would be expected, inter alia, to elect its officers, to consider and adopt its rules of procedure in accordance with article 75 of the Convention, to consider and approve general guidelines for the submission of reports by States parties, as stipulated in article 73 of the Convention, and to take decisions on matters relevant to the organization of its future work and the preparation of its annual report to the General Assembly. The Committee would also consider information on procedures and methods of work of the other treaty bodies and on activities of the Office of the United Nations High Commissioner for Human Rights. In accordance with article 74 of the Convention, the Committee would cooperate with the International Labour Office, special agencies and organs of the United Nations, as well as intergovernmental organizations and other concerned bodies.

C. Processing of reports submitted by States parties to the Convention

6. Under article 73 of the Convention, States parties would undertake to submit, through the Secretary-General for consideration by the Committee, reports on the legislative, judicial, administrative and other measures that they have taken to give effect to the provisions of the Convention within one year after the entry into force of the Convention for the State party concerned and thereafter every five years and whenever the Committee may so request. Under article 74, the Committee would also submit a report on its activities every year to the General Assembly on the implementation of the Convention, containing its own considerations and recommendations, based, in particular, on the examination of the reports and any observations presented by States parties.

D. Consideration by the Committee of inter-State disputes

7. In accordance with article 76 of the Convention, a State party to the Convention may at any time declare that it recognizes the competence of the Committee to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Convention. Subject to the fulfilment of certain conditions and the lapse of the required time limits, the Committee shall deal with the matter referred to it and submit its report thereon to the States parties concerned. The provisions of that article shall come into force when 10 States parties to the Convention have made a declaration under paragraph 1 of the article.

E. Handling communications from individuals

8. As provided under article 77 of the Convention, a State party to the Convention may at any time declare that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim that their individual rights as established by the Convention have been violated by the State party concerned. The Committee shall consider communications received under this article in closed meetings and shall forward its views to the State party concerned and to the individual. The provisions of that article shall come into force when 10 States parties to the Convention have made the declaration under paragraph 1 of the article.

9. Should the Convention enter into force in December 2002 or in 2003, only the first conference of the States parties to the Convention could be held in 2003. In view of the time needed for convening that conference and subsequently for convening the first session of the 10 elected experts composing the Committee, the first session of the Committee would be held in 2004.

III. Estimates of resource requirements

10. Taking into account the activities to be carried out once the Convention enters into force, as described above, and should the Convention enter into force in 2003, it is considered that temporary assistance resources would be required for one P-4 and

one General Service position to enable substantive servicing of the Committee to be undertaken. Conference-servicing requirements are estimated at $77,900. Total requirements for the biennium 2002-2003 would amount to $233,800.

11. However, it should be noted in this regard that adoption of the draft resolution in and of itself does not give rise to any immediate financial implications for 2003. Should these requirements subsequently arise as a result of the Convention entering into force, the necessary funds would be provided using the procedures relating to General Assembly resolution 56/256 of 24 December 2001 on unforeseen and extraordinary expenses for the biennium 2002-2003.

IV. Summary

12. **Should the Third Committee adopt draft resolution A/C.3/57/L.37, no immediate financial implications would arise, owing to the current absence of a sufficient number of ratifications of the Convention. Should the Convention enter into force in 2003, it is estimated that requirements arising as a result of the ratification of the Convention would amount to $233,800 for the biennium 2002-2003. These requirements would be handled using the procedures under General Assembly resolution 56/256 and would be reported to the Assembly at its fifty-eighth session.**